

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16 are pending in the application, and Claim 15 is amended by the present amendment. No new matter is added.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering amendments, canceling claims, complying with any requirement or form expressly set forth in a previous Official Action or presenting rejected claims in better form for consideration on appeal. The present amendment complies with the requirement or form set forth in the previous Official Action and presents the claims in better form for consideration on appeal by correcting the dependency of Claim 15. Specifically, Claim 15 is amended to depend from Claim 9 instead of Claim 5. As this amendment is made to correct the minor informality, no new matter is added and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Official Action, Claim 15 was objected to because of a minor informality; Claims 1, 5, 9 and 13-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hanai et al. (EP 0640897, hereinafter “Hanai”) in view of Porter et al. (U.S. Patent No. 5,263,032, hereinafter “Porter”); Claims 2, 4, 6, 8, 10 and 12 were rejected under 35 U.S.C. § 103 as unpatentable over Hanai, in view of Porter and in further view of Baik et al. (U.S. Patent 5,668,915, hereinafter “Baik”); and Claims 3, 7, and 11 were rejected under 35 U.S.C. § 103 as unpatentable over Hanai in view of Porter and Baik and in further view of Nishigaki et al. (U.S. Patent 5,907,365, hereinafter “Nishigaki”).

The Official Action rejected Claims 1, 5, 9, and 13-16 under 35 U.S.C. § 103 as unpatentable over Hanai in view of Porter. The Official Action cites Hanai as disclosing the

Applicants' invention with the exception of a memory configured to record the result of the correction of time information performed by the processor. The Official Action cites Porter and disclosing a memory or disk for logging memory errors and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to arrive at the Applicants' claims. Applicants respectfully traverse this rejection.

Briefly summarizing, the present application relates to a method and system for correcting data provided by real-time-clock (RTC) in an information processing device using information retrieved from a broadcast signal. A memory is provided which stores the details of each correction procedure or attempted correction procedure, and this stored information can be used to adjust the recording start or end time or to adjust the time settings. The stored correction information can also be used to adjust the time information provided by an RTC in the absence of a received broadcast signal including time synchronization information.

Turning to the applied references, Hanai describes a broadcast signal receiver including an internal clock for controlling an internal or external tuner receiving a plurality of broadcast signals. Time data is extracted from a broadcast signal received by the tuner and the internal clock of the broadcast receiver is automatically set to the local time indicated by the extracted time data.¹

Porter, the secondary reference, describes a computer system function having an operation with a corrected read data function. Specifically, the outstanding Official Action cites col. 5, lines 15-32 of Porter in addressing the memory feature recited in Claim 1. This cited portion of Porter describes that a memory stored a log of errors and malfunctions in the system and system components. The error log is kept for system maintenance purposes and

¹ Hanai, Abstract.

is provided to give service personnel an indication of malfunctions occurring within the system.

The requirements for a *prima facie* case of obviousness are (1) there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference to combine the reference teachings, (2) to be a reasonable expectation success, and (3) prior art reference must teach or suggest all of the claim limitations. It is respectfully submitted that the outstanding Official Action fails to make a *prima facie* case of obviousness, because neither Hanai nor Porter, even if combined, teach or suggest all the claim limitations. Further, there is no suggestion or motivation to modify the reference, as discussed below.

Claim 1 recites, *inter alia*, an information processing apparatus, comprising:

...a memory configured to record a result of the correction of time information performed by the processor.

The outstanding Official Action admits that Hanai does not disclose the above-noted feature recited in Claim 1. To cure this deficiency, the Official Action relies on col. 5, lines 15-32 of Porter, as discussed above. Applicants respectfully submit that Porter fails to teach or suggest the claimed feature for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Porter describes a memory configured to store a component identity, time and nature of error for each error event occurring in a computer system. The error log is then accessed by service personnel to determine the cause of failures in the system without having in depth knowledge of the system, as discussed in the outstanding Official Action.²

However, at no point, does Porter teach or suggest that the memory is configured to record a result of the correction of time information performed by the processor, as recited in Claim 1. Instead, Porter describes that “memory errors, as well as errors or malfunctions in

² Outstanding Official Action at p. 4, first paragraph.

system components” are logged to facilitate the replacement of components within the system. Porter, however, fails to discuss a time correction function whatsoever, much less the storage information relating to such a correction. The stored correction of time information, as recited in Claim 1 is not a “error event”, as discussed in Porter, but is instead information stored upon the correction of time information performed by the processor.

Thus, Porter fails to teach or suggest *a memory configured to record a result of the correction of the time information performed by the processor*, as recited in Claim 1.

Further, Applicants respectfully assert that there is no motivation or suggestion to combine the Hanai and Porter references.

The outstanding Official Action states that the proposed modification would have been obvious “in order to allow the service personnel to determine the cause of failures without having in depth knowledge of the system.”³ The record, however, fails to provide the required evidence of motivation for a person of ordinary skill in the art perform such modification.

In particular, Porter uses the memory to log system errors so that a service technician can analyze the error logs and appropriately replace components of a computer system. Porter, however, does not suggest that such a memory provided for logging errors would work in a broadcast signal receiver to log time correction information, much less allow for reconfiguration to store regular updates of time correction information. Clearly the memory and error reporting functions corresponding thereto in Porter would have be substantially redesigned in order to be incorporated into Hanai’s receiver device.

In addition, Hanai is not concerned with logging system failures so that a technician can analyze the operation of the system components, and states that his structure already achieves the goal of automatically adjusting an internal time clock based on a received

³ Official Action at page 4, first paragraph.

broadcast signal on a specific channel.⁴ Hanai does not suggest that further improvement is desired, nor that another feature should be added to further improve the logging of system errors.

The Hanai and Porter patents, therefore, do not provide the motivation to perform the proposed modification of Hanai's device. In other words, an attempt to bring the isolated teaching of Porter into Hanai would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole. While the required evidence of motivation to combine need not come from the references themselves, the evidence must come from *somewhere* within the record. In this case, the record fails to support the proposed modification of Hanai. Furthermore, it is not clear from the record how Porter's system of memory logging could be incorporated into Hanai's receiver.

Without such motivation and absent improper hindsight reconstruction,⁵ a person of ordinary skill in the art would not be motivated to perform the proposed modification, and Claims 1, 5, 9 and 13-16 are believed to be non-obvious and patentable over the applied prior art.

Accordingly, Applicants respectfully request the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially the same reasons as given with respect to Claim 1, it is also submitted that independent Claims 5, 9 and 16 patentably define over Hanai and/or Porter.

As discussed above, there is not motivation or suggestion to combine Hanai and Porter, and Hanai and/or Porter, even if combined, fail to teach or suggest a memory configured to record a result of the correction of the time information performed by the processor. Likewise, neither Baik nor Nishigaki remedy these above-noted deficiencies, and

⁴ Hanai, Abstract.

⁵ See MPEP 2141, stating, as one of the tenets of patent law applying to 35 USC 103, that "[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention."

therefore, none of the cited references, alone or in combination, teach or suggest Applicants' Claims 2-4, 6-8, and 10-12 which include the above distinguished features by virtue of dependency. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests the rejection of Claims 2-4, 6-8 and 10-12 under 35 U.S.C. § 103 be withdrawn.

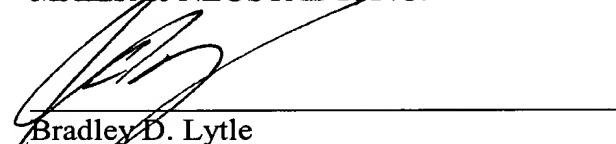
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-16 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Please note in accordance with the discussion herein, should the rejections in the Official Action of June 30, 2005 be maintained, Applicants intend to request a Pre-Brief Appeal Conference in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

Respectfully submitted,

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